GOVERNMENT OF INDIA
ROAD TRANSPORT AND HIGHWAYS
LOK SABHA

UNSTARRED QUESTION NO:749
ANSWERED ON:26.02.2001
CONSTITUTION OF NATIONAL HIGHWAYS AUTHORITY OF INDIA
RASA SINGH RAWAT

Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) the date of constitution of National Highways Authority of India alongwith its functions, powers and responsibilities;

(b) the names of the present members of the authority;

(c) the area justified to be taken over by N.H.A.I. on both sides of the National Highways;

(d) whether it has been properly demarcated along National Highways;

(e) whether farmers have been paid compensation for the land or buildings from them and the houses falling under this area are likely to be demolished; and

(f) the reasons for stoppage of work under construction, non-completion of work in time and delay in construction work on Ratanpur stretch of National Highway No. 8 by N.H.A.I?

Answer

MINISTER OF STATE FOR ROAD TRANSPORT AND HIGHWAYS (INDEPENDENT CHARGE) MAJOR GENERAL (RETI KHANDURI, AVSM

(a) The National Highways Authority of India (NHAI) was constituted by an Act of Parliament in 1988 (No.68 of 1988), which came into force on 15th June, 1989. The functions, powers and responsibilities of the Authority are at Annex-A.

(b) The names of the present Members of the Authority are at Annex-B

(c) & (d) NHAI requires land on the basis of nature of facilities to be provided.Usually, the land is required in a strip of 45-60m width depending upon site conditions and project requirements.

(e) Compensation is paid on the basis of assessment of Competent Authority in accordance with the provisions of National Highways Act, 1956. Efforts are made to ensure that the need for demolition of buildings is minimal and compensation paid is adequate.

(f) The development/construction of Udaipur-Ratanpur Section of National Highway-8 in Rajasthan is to be taken up only after award of works which is likely by June, 2001. Therefore, the question of stoppage of work does not arise at this stage.

ANNEX-A

STATEMENT REFERRED TO IN REPLY TO PART (a) OF LOK SABHA UNSTARRED QUESTION NO. 749 FOR ANSWE 26.2.2001 BY PROF. RASA SINGH RAWAT REGARDING CONSTITUTION OF NATIONAL HIGHWAYS AUTHORITY OF INDIA.

FUNCTIONS, POWERS AND RESPONSIBILITIES OF THE AUTHORITY AS PER THE NATIONAL HIGHWAYS AUTHOI INDIA ACT, 1988.

1. Functions

(1) Subject to the rules made by the Central Government in this behalf, it shall be the function of the Authority to develop, maintain and manage the national highways and any other highways vested in, or entrusted to, it by the Government.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Authority may, for the discharge of its functions:-

(a) survey, develop, maintain and manage highways vested in or entrusted to it;

(b) construct offices or workshops and establish and maintain hotels, motels, restaurants and rest-rooms at or near the highways vested in or entrusted to it;

(c) construct residential buildings and townships for its employees;

(d) regulate and control the plying of vehicles on the highways vested in, or entrusted to, it for the proper management thereof;

(e) develop and provide consultancy and construction services in India and abroad and carry on research activities in relation to the development, maintenance and management of highways or any facilities thereat;

(f) provide such facilities and amenities for the users of the highways vested in, or entrusted to, it as are, in the opinion of the Authority, necessary for the smooth flow of traffic on such highways;

(g) form one or more companies under the Companies Act, 1956 (1 of 1956) to further the efficient discharge of the functions imposed on it by this Act;

(h) engage, or entrust any of its functions to, any corporation or body corporate owned or controlled by the Government;

(i) advise the Central Government on matters relating to highways;

(j) assist, on such terms and conditions as may be mutually agreed upon, any State Government in the formulation and implementation of schemes for highway development.

(k) collect fees on behalf of the Central Government for services or benefits rendered under section 7 of the National Highways Act, 1956, as amended from time to time, and such other fees on behalf of the State Governments on such terms and conditions as may be specified by such State Governments; and

(l) take all such steps as may be necessary or convenient for, or may be incidental to, the exercise of any power or the discharge of any function conferred or imposed on it by this Act.

(3) Nothing contained in this section shall be construed as:-

(a) authorising the disregard by the Authority of any law for the time being in force; or

(b) authorising any person to institute any proceeding in respect of a duty or liability to which the Authority or its officers or other employees would not otherwise be subject under this Act.

Powers and Responsibilities

1. Any land required by the Authority for discharging its functions under this Act shall be deemed to be land needed for a public purpose and such land may be acquired for the Authority under the provisions of the National Highways Act, 1956 (48 of 1956).

2. Investment of Funds - The Authority may invest its funds (including any reserve fund) in the securities of the Central Government or in such other manner as may be prescribed.

3. Borrowing Powers of the Authority - (1) The Authority may, with the consent of the Central Government or in accordance with the terms of any general or special authority given to it by the Central Government, borrow money from any source by the issue of bonds, debentures or such other instruments as it may deem fit for discharging all or any of its functions under this Act.

(2) Subject to such limits as the Central Government may, from time to time, lay down the Authority may borrow temporarily by way of overdraft or otherwise, such amounts as it may require for discharging its functions under this Act.

(3) The Central Government may guarantee in such manner as it thinks fit the repayment of the principal and the payment of interest thereon with respect to the borrowings made by the Authority under sub-section (1).

4. Power for the Authority to Undertake Certain Works -The Authority may undertake to carry out on behalf of the Government or any local authority any works or services or any class of works or services on such terms and conditions as may be agreed upon between the Authority and the Government or local authority concerned.

5. Powers to Enter - Subject to any regulations made in this behalf any person, generally or specially authorised by the Authority in this behalf may, whenever it is necessary so to do for any of the purposes of this Act at all reasonable times, enter upon any land or premises, and -

a. make any inspection, survey, measurement, valuation or enquiry;
b. take levels;
c. dig or bore into sub-soil;
d. set out boundaries and intended lines of work;
e. mark such levels, boundaries and lines by placing marks and cutting trenches; or
f. do such other acts or things as may be prescribed.

Provided that no such person shall enter any boundary or any enclosed court or garden attached to a dwelling house (except with the

consent of the occupier thereof) without previously giving such occupier at least twenty-four hours` notice in writing of his intention to do so.

6. Budget - The Authority shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same to the Central Government.

7. Annual Report - The Authority shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

ANNEX-B

STATEMENT REFERRED TO IN REPLY TO PART (b) OF LOK SABHA UNSTARRED QUESTION NO. 749 FOR ANSWE 26.2.2001 BY PROF. RASA SINGH RAWAT REGARDING CONSTITUTION OF NATIONAL HIGHWAYS AUTHORITY OF INDIA.

The composition of the Authority as on date is as under:-

(1) Shri Deepak Dasgupta - Chairman

Full Time Members

(2) Shri Hardeepak Singh - Member (Finance)

(3) Shri R.L. Koul - Member (Private Investment)

(4) Shri N. K. Sinha - Member (Technical)

(5) Shri Mukesh Kacker - Member (Administration)

Ex-Officio part-time Members

1. Dr. N.C. Saxena, Secretary, Planning Commission

2. Shri C.M. Vasudev, Secretary, Ministry of Finance, Department of Expenditure

3. Shri Ashoke Joshi, Secretary, Ministry of Road Transport an Highways

4. Shri S.C. Sharma, Director General (Road Development) and Additional Secretary, Ministry of Road Transport and Highways